

REMARKS

This is in response to the Office Action dated July 19, 2007. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claim 1 has been amended to recite that the guide member is provided fixedly on an inner surface of a side wall of the drug case. Also, claim 8 has been amended to include the limitations of claim 7 and to depend from claim 6, thereby obviating the rejection of claims 8-9 under 35 U.S.C. 112, second paragraph. Note that antecedent basis for the "rails" of claim 8 is provided in claim 6.

Next, on pages 3-7 of the Office Action, the claims are rejected over the prior art, with the Examiner particularly relying on the newly discovered patent to Saeki et al. (U.S. Patent No. 5,755,551). Initially, it is noted that the Examiner takes the position that the language of claim 1, i.e., "containing a plurality of drug packages stacked in a vertical direction, each of the plurality of drug packages being package having a flange at an upper side of the package" is an "intended use statement". However, it is noted that the recited structure must be capable of dispensing a drug package have a flange at an upper side. A mechanism that is intended to engage the bottom of the drug package would obviously not be suitable for engaging a flange provided on an upper side of the package.

Saeki et al. discloses an object/discharge apparatus 10 including an object storage section 13 and a discharge unit 14. The Saeki apparatus also includes a lifting member 66, which is provided separately from the pushing mechanism 47. However, the lifting member 66 of Saeki et al. is quite different from the guide member of the present invention in the following points.

A) The lifting member 66 of Saeki et al. advances or retracts by operation of an air cylinder 62 (see col. 4, lines 41-42). In contrast, the guide member (35) of the present invention is provided fixedly on an inner surface of a side wall of the drug case.

B) The lifting member 66 of Saeki et al. supports the rear portion of the bottom of the object A1 and does not function to guide movement of the object A1. Clearly, the operation of the lifting member 66 of Saeki et al. is different from the guide member of the present invention. In particular, the guide member of the present invention (35) functions to support and guide the flange of the drug package.

The lifting member of Saeki et al. is provided for supporting the weight of the next object A2 to reduce the friction force necessarily applied to the bottommost object and protecting the object from damage during discharge thereof (see col. 1, lines 30-62). In contrast, in the present invention was developed to eliminate a specific problem in the prior art, i.e., when pushing out the lowermost drug package, the bottom corner portion of the second drug package drops on the rails causes the apparatus to become clogged. The guide member of the present invention, as defined in claim 1 and claim 5, is provided so that the flange of the second drug package on the upstream side of the pushing direction drops on the guide member and acts as a fulcrum when falling down horizontally. According to this construction, the present invention can push the drug package in a stable state and discharge it in a low cost configuration without the necessity of employing drive means such as the air cylinder employed in the Saeki apparatus.

Further, Yuyama et al. does not disclose a guide member fixedly provided on an inner surface of a side wall of the drug case for supporting the flange of the second drug package.

Therefore, the present invention as defined in claims 1 and 5 is neither anticipated nor rendered obvious by the combined teachings of the Saeki and Yuyama references.

Further, on page 5 of the Office Action, the Examiner takes the position that providing a guide member on a sidewall of the lower casing represents a mere "reversal" of the corresponding components of the Saeki reference. It is not clear what components are "reversed". Apparently the Examiner is suggesting that providing the lifting member 66 on the discharge unit 14 is simply a design choice. However, it is essential that the lifting member be mounted at the bottom of object storage section 13. The Examiner has not explained how the lifting means 61 of Saeki would operate if mounted on the discharge unit 14.

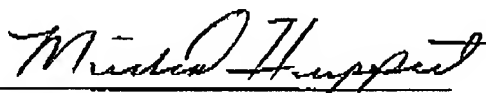
Further, several of the dependent claims are clearly not disclosed by the applied references. For example, claim 7 requires "a pair of guide members disposed on opposite side walls of said lower case." The Examiner acknowledges that the Saeki apparatus does not disclose this feature but opines that this claimed feature is merely an obvious duplication of components. However, claim 7 specifies that the guide members are disposed on opposite side walls of the lower case. In Saeki the guide member 66 (lifting member) is disposed upstream of the pushing direction. Clearly, adding a second lifting member 66 on the opposite sidewall would render the Saeki apparatus inoperable as it would impede movement of the object being discharged. Thus, the Examiner's proposed modification would not have been obvious (see MPEP 2143.01(V)).

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to enter the above amendment and pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

Yasuhiro SHIGEYAMA et al.

By: 

Michael S. Huppert
Registration No. 40,268
Attorney for Applicants

MSH/kjf
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
October 19, 2007